

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
Laschkewitsch et al.

Serial No.: 09/918,746

Filed: July 31, 2001

For: MANAGING INTENDED
GROUP MEMBERSHIP USING
DOMAINS

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Confirmation No.: 2727

Group Art Unit: 2153

Examiner: Philip J. Chea

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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September 17, 2007
Date

/Jon K. Stewart/
Jon K. Stewart

REPLY BRIEF

Dear Sir:

Applicants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to Examiner's Answer dated July 17, 2007. While Applicants' maintain each of the arguments submitted in Applicants' previously submitted Appeal Brief, Applicants make the following further arguments in light of the Examiner's Answer. Please charge any additional fees that may be required to make this Reply Brief timely and acceptable to Deposit Account No. 09-0465/ ROC920010041US1.

ARGUMENTS

***BADOVINATZ*, IN VIEW OF *ELLE*, DO NOT RENDER CLAIMS 8-23 OBVIOUS UNDER 35 U.S.C. § 103**

The Examiner continues to suggest that the combination of *Badovinat* and *Elley* discloses a method of managing membership of jobs in a cluster that includes, “upon receiving a request to create a group comprising at least two jobs, creating, on a respective node on which each respective job is running, a respective list indicating each of the at least two jobs,” as recited by claim 8. Claims 12 and 19 recite a similar limitation. Specifically, the Examiner asserts:

[*Badovinat* discloses] receiving a request to create a group comprising at least two jobs: creating, on a respective node on which each respective job is running, a list indicating each of the at least two jobs (see Fig. 4, where processing node 1 and processing node 2 each have respective lists indicating process x job) running), receiving a request to join the group from a requesting member job (see column 5, lines 1-5, where a process job) requests to join a process group).

See *Examiner’s Answer*, pp. 2-3. This mirrors the Examiner’s arguments during prosecution.

However, as demonstrated in Applicants’ Appeal Brief, *Badovinat*, Figure 4, discloses processor 1, processor 2, processor N, group services, internal layer, external layer and process x (see Figure 2 –items 106, 200, 202, 302, 304). Figure 4 does not disclose receiving a request to create a group comprising at least two jobs, as recited by claim 8. Instead, Figure 4 illustrates a copies of process “process x” actually being executed on a processors of processing nodes 1 and 2. Thus, contrary to the Examiners’ assertion, *Badovinat* does not disclose “a respective list indicating each of the at least two jobs.” Second, in addition to not disclosing a “respective list indicating each of the at least two jobs,” Figure 4 includes only a single process (“process x”) running on processing nodes 1 and 2. Thus, even if the Board agrees with the Examiner that “any sequence or series of items is considered a list,” see *Examiner’s Answer*, p. 5. Figure 4 fails to disclose a list indicating “each of at least the two jobs. That is, nothing in Figure 4 (or the accompanying description) would indicate that

“processing node 1” with a single copy of “process x” would include “a respective list indicating each of the at least two jobs,” running on “processing node 2.” Thus, Applicants submit that *Badovinvatz* fails to disclose “upon receiving a request to create a group comprising at least two jobs, creating, on a respective node on which each respective job is running, a respective list indicating each of the at least two jobs,” as recited by claims 8, 12, and 19. Accordingly, Applicants submit that *Badovinvatz* does not disclose this limitation as suggested by the Examiner.

Further, the Examiner concedes that *Badovinvatz* fails to disclose “accessing each respective list of each job of the group to determine whether the requesting member job is included in the respective list,” as recited by claim 8. Claims 12 and 19 recite a similar limitation. However, the Examiner asserts that:

Elley discloses a system of managing group membership, wherein a server may look at a membership list to determine if a requesting member has membership (see Fig. 5, and column 5, lines 4-10).

See *Examiner’s Answer*, p. 6. However, *Elley* is directed to public-key cryptography techniques that use digital certificates. Specifically:

The basic concept of the invention is to support the dynamic issuance of group certificates through the use of on-line group servers which issue group membership or group non-membership certificates upon request to a requester.

Elley, 4:16-21. An “Access Control List (ACL) maintained by the server and containing a list of individual clients and/or client groups who are permitted access to the resource.” See *Elley*, 1:54-61. As disclosed in *Elley*, a resource requester may request a certificate from a group server. In turn, a resource provider may grant (or deny) access to a requested resource by checking the ACL to determine whether the resource requestor is (1) authorized to access the resource and (2) that the certificate is valid.

The problem with the Examiner’s position, however, is that the ACL and the vetting of a request to access a resource performed by a resource requestor, is performed relative to the certificate authority and ACL provided with in the public key infrastructure. That is, the ACL is (1) stored independently from the resource requestors and resource providers, and (2) is stored singly in any event. Thus, Applicants submit that the PKI techniques disclosed in *Elley* cited by the Examiner fail to

disclose “accessing each respective list of each job of the group to determine whether the requesting member job is included in the respective list.” At best, an *Elley* discloses that an ACL, stored independently of “each job of the group” may be accessed to determine whether a resource requestor is authorized access to a requested resource. However, nowhere in this material does *Elley* disclose the claimed limitation of “accessing each respective list of each job.”

Accordingly, for all the foregoing reasons, Applicants respectfully request the Appeal Board to vacate this rejection and instruct the Examiner to allow claims 8-23.

CONCLUSION

The Examiner errs in finding that claims 8-23 are unpatentable over *Badovinat* *et al.* in view of *Elley* under 35 U.S.C. § 103(a).

Withdrawal of the rejection and allowance of all claims is respectfully requested.

Respectfully submitted and
S-signed pursuant to 37 CFR 1.4,

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